

PORT OF HOUSTON AUTHORITY

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Linda Henry
ASSOCIATE GENERAL COUNSEL
(713) 670-2663

Via Certified Mail 7010 3090 0000 8754 2110

January 25, 2012

Mr. Gary Miller, P.E.
Remediation Project Manager
1445 Ross Avenue, Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733

Re: Supplemental comments on PSCR, Data Gap Memorandum, and other analyses and reports submitted in San Jacinto River Waste Pits Superfund Site Project

Dear Mr. Miller:

The Port of Houston Authority (PHA) appreciates the opportunities you have provided for participation in the review of progress at the San Jacinto River Waste Pits Superfund Site. We have become increasingly concerned, however, that some of the analyses provided to EPA are prejudging the RIFS interpretations and not consistent with EPA guidance. The conference call of December 6, 2011 highlighted these issues and underscored our concerns about EPA's review methods.

Enclosed are PHA's supplemental comments on the PSCR, Data Gap Memorandum, and other analyses and reports in the San Jacinto River Waste Pits Superfund Site Project dated January 25, 2012. We would appreciate your reviewing these comments and providing us with a written response to address the issues raised.

Thank you for planning a webinar on the "un-mixing" model. It will increase our understanding of the analyses being integrated into the risk assessment and RIFS. If possible, please arrange for questions and dialogue during the webinar.

Thank you for your continuing work at the Site. We look forward to your written response to our supplemental comments, so we can better review and understand the reports and data being submitted to EPA and work toward the best plan for remediation of the Site. If you have any questions, please contact me at 713-670-2663.

Mr. Gary Miller
January 25, 2012
Page 2

Very truly yours,

A handwritten signature in cursive script, reading "Linda Henry", followed by a horizontal line.

Linda Henry

Enclosure

cc: Nicole Hausler (PHA)
Garry McMahan (PHA)

January 25, 2012

Supplemental comments on PSCR, Data Gap Memorandum, and other analyses and reports submitted in San Jacinto River Waste Pits Superfund Site Project

On behalf of the Port of Houston Authority (PHA), HDR participated in EPA's 12-6-2011 conference call to discuss background data for the Site and submits the following comments.

Our recent review of the draft PSCR raised our concern that some of the analyses provided were prejudging the RIFS interpretations and were not consistent with EPA guidance. We agree entirely with EPA's statement in our recent conference call of December 6, 2011 that the analyses and reports must follow EPA guidance. To assist our and your review of submittals, we suggest that International Paper and the McGinnis Industrial Maintenance Corporation (IPC/MIMC) submittals cite specific sections and paragraphs of EPA guidance. The comments herein supplement comments we have previously submitted on the PSCR, data gap memorandum, other communications, and our recent conference call. The paragraphs below list our continuing concerns as to interpretations being provided by IPC/MIMC, as those analyses will ultimately impact EPA's selection of the most appropriate remedy permanent and sustainable remedy for the Site.

A key issue at the site is how EPA defines and interprets background. While the draft PSCR cites EPA's guidance, it does not provide a clear relationship between the guidance and the data analyses offered in the PSCR. For EPA and the public to understand whether the PSCR is consistent with the guidance, IPC/MIMC should be required to demonstrate by citations to specific sections of the guidance, where and how the PSCR, risk assessment and other RIFS analyses meet or deviate from the guidance. Specifically, we note that the following guidance documents have been cited in the PSCR, but we believe, not been consistently followed. We of course recognize that some sites have conditions that might justify deviations from the guidance, but IPC/MIMC should be required to identify and justify any deviations from the guidance.

- RAGS - Risk Assessment Guidance for Superfund, Human Health Evaluation Manual, EPA/540/1-89/002 1989
- Guidance for Comparing Background and Chemical Concentrations in Soil, OSWER 9285.7-41, 2002
- Role of Background in the CERCLA Cleanup Program, OSWER 9285.6-07P, 2002

Among the analyses specified in the EPA 2002 and 1989 guidance are requirements that interpretations provide for conservative estimates of human and ecological exposures. RAGS in Chapters 3 and 6 cites comparisons of average concentrations in background and Site areas. Chapter 6 specifically states that the comparisons should include confidence intervals for the average of background data and the average for site data. By contrast, the PSCR cites use of REV's for the background data population, rather than REV's on an average for a background area. The difference in those statistics (confidence interval of the mean versus the confidence

interval of the population) is a factor of 5 when 25 samples are involved. A qualified statistician should be assigned by EPA to review the statistical methods being applied by the parties and compare the methods used to those recommended by the EPA guidance. This review should also include a discussion of how outliers are handled in the dataset. It is not clear from the documents or the conference calls how outliers are determined and when they are included or excluded from the data set.

We agree with the data gap memoranda that additional data from background areas will assist in the interpretation of background conditions. EPA's 2002 guidance documents specify that data quality objectives determine how much data are needed. For example, if tissue analyses are to be used directly in the risk assessment, then far more tissue analyses are needed both in the background and the Site areas. If the risk assessment will use sediment data to calculate human ingestion, more sediment data and foundation for the ingestion rates are needed. IPC/MIMC have not defined how the data are proposed to be used to support its additional data collection needs. The lack of specificity in where samples are being collected provides too much flexibility in the field, as with prior crab tissue collections, where only three analyses are available for an important data set.

IPC/MIMC has cited other sources of PCDDs and PCDFs in the area. Where background data show impacts from those outfalls, those data should be removed as outliers of background conditions. To the extent that the Site contaminants are predominantly TCDF and TCDD, mapping of those Site impacts may provide a better indication of Site impacts than does the TEQ described to date. EPA should remain open to the best interpretation of the Site and background data until the additional results are available and EPA's statistician can specify the most appropriate analyses, and stakeholder comments on the full data set can be evaluated.

As the PSCR is being finalized, we understand that EPA will be requesting ARARs and TBCs from various agencies to refine and expand the draft ARARs offered in Table 3-1 of the PSCR. Which agencies will be invited to provide input to ARARs and TBCs? Since TCEQ has recently revised its water quality standards and classifications, and received qualified approvals from EPA, the water quality standards (with dioxins/furans based on tissue analyses) should be cited and used in developing PRGs and remedial alternatives. The Site is in waters classified for Primary Contact Recreation by TCEQ, and approved by EPA. We trust that Region 6 water quality staff will provide their input to appropriate ARARs for the Site. Since there is currently a TDH Health Advisory for the dioxins/furans in fish tissue in the area, we believe that its input is essential to your goals, and state and community acceptance of the remedy. The risk assessment and RIFS should incorporate all of the approved present and future uses.

This Site has similarities to other Superfund sites with sediment contamination in estuaries, and sites with TCDD/TCDF among the COPCs. EPA should address in writing how it is ensuring that the RIFS and remedy selection for the San Jacinto River Waste Pits Superfund Site are consistent with decisions for other sites and consistent with developing an understanding of TCDD/TCDF fate, toxicity and remediation.

Any questions concerning these comments should be communicated to Linda Henry, Port of Houston Authority.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Pease', with a stylized flourish at the end.

Thomas E. Pease, PE, PhD
Senior Professional Associate

Cc: Kerri Snyder, AICP, Project Manager
Neil McLellan